United Nations A/AC.109/2018/L.16

General Assembly

Distr.: Limited
19 June 2018

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Draft resolution submitted by the Chair

Question of Guam

The General Assembly,

Having considered the question of Guam and examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2018,[1]

Taking note of the working paper prepared by the Secretariat on Guam,[2] which contained the information requested by the General Assembly in resolution 72/102 and other relevant information,

Recognizing that all available options for self-determination of the Territory are valid as long as they are in accordance with the freely expressed wishes of the people of Guam and in conformity with the clearly defined principles contained in General Assembly resolutions 1514 (XV) of 14 December 1960, 1541 (XV) of 15 December 1960 and other resolutions of the Assembly,

Expressing concern that 58 years after the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples,[3] there still remain 17 Non-Self-Governing Territories, including Guam,

Conscious of the importance of continuing the effective implementation of the Declaration, taking into account the target set by the United Nations to eradicate colonialism by 2020 and the plans of action for the Second[4] and Third International Decades for the Eradication of Colonialism,

Recognizing that the specific characteristics and the aspirations of the people of Guam require flexible, practical and innovative approaches to the options for self-

[1] *Official Records of the General Assembly, Seventy-third Session, Supplement No. 23* (A/73/23), chap. X.

[2] A/AC.109/2018/9.

[3] Resolution 1514 (XV).

[4] A/56/61, annex.

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determination, without any prejudice to territorial size, geographical location, size of population or natural resources,

Convinced that the wishes and aspirations of the people of the Territory should continue to guide the development of their future political status and that referendums, free and fair elections and other forms of popular consultation play an important role in ascertaining the wishes and aspirations of the people,

Concerned by the use and exploitation of the natural resources of the Non-Self-Governing Territories by the administering Powers for their benefit, by the use of the Territories as international financial centres to the detriment of the world economy and by the consequences of any economic activities of the administering Powers that are contrary to the interests of the people of the Territories, as well as to resolution 1514 (XV),

Convinced that any negotiations to determine the status of the Territory must take place with the active involvement and participation of the people of the Territory, under the auspices of the United Nations, on a case-by-case basis, and that the views of the people of Guam in respect of their right to self-determination should be ascertained,

Noting the continued cooperation of the Non-Self-Governing Territories at the local and regional levels, including participation in the work of regional organizations,

Mindful that, in order for the Special Committee to enhance its understanding of the political status of the people of Guam and to fulfil its mandate effectively, it is important for it to be apprised by the United States of America as the administering Power and to receive information from other appropriate sources, including the representatives of the Territory, concerning the wishes and aspirations of the people of the Territory,

Aware of the importance both to Guam and to the Special Committee of the participation of elected and appointed representatives of Guam in the work of the Committee,

Recognizing the need for the Special Committee to ensure that the appropriate bodies of the United Nations actively pursue a public awareness campaign aimed at assisting the people of Guam with their inalienable right to self-determination and in gaining a better understanding of the options for self-determination, on a case-by-case basis,

Mindful, in that connection, that the holding of regional seminars in the Caribbean and Pacific regions and at Headquarters, with the active participation of representatives of the Non-Self-Governing Territories, provides a helpful means for the Special Committee to fulfil its mandate and that the regional nature of the seminars, which alternate between the Caribbean and the Pacific, is a crucial element in the context of a United Nations programme for ascertaining the political status of the Territories,

Welcoming the Pacific regional seminar on the theme "Implementation of the Third International Decade for the Eradication of Colonialism: towards the achievement of the Sustainable Development Goals — social, economic and environmental challenges", held by the Special Committee in Saint George's and hosted by the Government of Grenada from 9 to 11 May 2018, as a significant and forward-looking event, which enabled the participants to assess progress made and address challenges faced in the decolonization process, review the existing working methods of the Committee and renew its commitment to implementing its historic task,

Recognizing the importance of the conclusions and recommendations adopted by the seminar, which are annexed to the report of the Special Committee[5] and which outline the findings of the seminar, including, especially, the way forward for the decolonization process within the context of the proclamation by the General Assembly of the period 2011–2020 as the Third International Decade for the Eradication of Colonialism,[6]

Noting with appreciation the contribution to the development of some Territories by the specialized agencies and other organizations of the United Nations system, in particular the Economic Commission for Latin America and the Caribbean, the Economic and Social Commission for Asia and the Pacific, the United Nations Development Programme and the World Food Programme, as well as regional institutions such as the Caribbean Development Bank, the Caribbean Community, the Organisation of Eastern Caribbean States, the Pacific Islands Forum and the agencies of the Council of Regional Organizations in the Pacific,

Expressing concern about the ruling[7] of a federal court in the United States, the administering Power, holding that a plebiscite on self-determination could not be limited to native inhabitants, which has brought the plebiscite to a halt, and noting that there is an ongoing appeals process,

Noting the statement made by a representative of the Governor of Guam at the 2018 Pacific regional seminar, at which participants received updates highlighting the continuing financial challenges faced by the Territory and the efforts made to advance self-determination, including those endeavours made by the Guam Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination through the education campaign,

Cognizant of the efforts made by the Guam Commission on Decolonization to promote in the Territory the holding of a plebiscite on self-determination and to advance its education campaign on each of the three political status options, and recalling that more than 11,000 native inhabitants have been registered in the Guam decolonization registry to vote in the plebiscite,

Noting, in this regard, the statement by a representative of the Governor of Guam at the 2018 Pacific regional seminar that, while the case on the plebiscite had put a strain on native rights and the ability to choose the political future of the people of Guam, Guam would continue to move forward in pursuing self-determination,

Recalling that the administering Power approved a grant to support the self-determination education campaign in the Territory in March 2016,

Recalling also that, in a referendum held in 1987, the registered and eligible voters of Guam endorsed a draft Guam Commonwealth Act that would establish a new framework for relations between the Territory and the administering Power, providing for a greater measure of internal self-government for Guam and recognition of the right of the Chamorro people of Guam to self-determination for the Territory,

Aware that negotiations between the administering Power and the territorial Government on the draft Guam Commonwealth Act ended in 1997 and that Guam has subsequently established a non-binding plebiscite process for a self-determination vote by the eligible Chamorro voters,

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[5] *Official Records of the General Assembly, Seventy-third Session, Supplement No. 23* (A/73/23).

[6] See resolution 65/119.

[7] District Court of Guam, *Davis v. Guam et al*, decision of 8 March 2017.

Cognizant of the importance of the administering Power continuing to implement its programme of transferring surplus federal land to the Government of Guam,

Noting a call for reform in the programme of the administering Power with respect to the thorough, unconditional and expeditious transfer of land property to the people of Guam,

Recalling the concerns expressed by a representative of the Governor of Guam at the 2017 Caribbean regional seminar regarding a potential lawsuit by the administering Power over the Chamorro Land Trust programme, which had been put in place to facilitate the transfer of land to the original landowners, and aware that the federal lawsuit by the administering Power over the programme was filed in September 2017,

Noting the expressed desire of the territorial Government for a visiting mission by the Special Committee, as communicated to the Special Committee in August 2017,

Aware of the existing concerns of the Territory regarding the potential social, cultural, economic and environmental impacts of the planned transfer of additional military personnel of the administering Power to the Territory,

Recalling the concerns expressed by the Territory on this subject before the Special Political and Decolonization Committee (Fourth Committee) at the seventy-second session of the General Assembly,

Recalling also the statement made by the Speaker of the thirty-third Guam legislature before the Fourth Committee at the seventieth session of the General Assembly that the most acute threat to the legitimate exercise of the decolonization of Guam was the incessant militarization of the island by its administering Power, and noting the concern expressed regarding the effect of the escalating military activities and installations of the administering Power on Guam,

Recalling further its resolution 57/140 of 11 December 2002, in which it reiterated that military activities and arrangements by administering Powers in the Non-Self-Governing Territories under their administration should not run counter to the rights and interests of the peoples of the Territories concerned, especially their right to self-determination, including independence, and called upon the administering Powers concerned to terminate such activities and to eliminate the remaining military bases in compliance with the relevant resolutions of the General Assembly,

Recalling its resolution 35/118 of 11 December 1980 and the territorial Government's concern that immigration into Guam has resulted in the indigenous Chamorros becoming a minority in their homeland,

Noting the legislative elections in the Territory which took place in November 2016,[8]

1. *Reaffirms* the inalienable right of the people of Guam to self-determination, in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

2. *Also reaffirms* that, in the process of the decolonization of Guam, there is no alternative to the principle of self-determination, which is also a fundamental human right, as recognized under the relevant human rights conventions;

[8] See A/AC.109/2017/9, para. 3.

3. *Further reaffirms* that it is ultimately for the people of Guam to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection calls upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution 1541 (XV) and other relevant resolutions and decisions;

4. *Welcomes* the ongoing work of the Guam Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination on a self-determination vote, as well as its public education efforts;

5. *Stresses* that the decolonization process in Guam should be compatible with the Charter, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Universal Declaration of Human Rights;[9]

6. *Calls once again upon* the administering Power to take into consideration the expressed will of the Chamorro people as supported by Guam voters in the referendum of 1987 and as subsequently provided for in Guam law regarding Chamorro self-determination efforts, encourages the administering Power and the territorial Government to enter into negotiations on the matter, and stresses the need for continued close monitoring of the overall situation in the Territory;

7. *Requests* the administering Power, in cooperation with the territorial Government, to continue to transfer land to the original landowners of the Territory, to continue to recognize and to respect the political rights and the cultural and ethnic identity of the Chamorro people of Guam and to take all measures necessary to address the concerns of the territorial Government with regard to the question of immigration;

8. *Also requests* the administering Power to assist the Territory by facilitating public outreach efforts, consistent with Article 73 *b* of the Charter, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested, and welcomes the recent outreach work by the territorial Government;

9. *Further requests* the administering Power to cooperate in establishing programmes for the sustainable development of the economic activities and enterprises of the Territory, noting the special role of the Chamorro people in the development of Guam;

10. *Stresses* the importance of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples being apprised of the views and wishes of the people of Guam and enhancing its understanding of their conditions, including the nature and scope of the existing political and constitutional arrangements between Guam and the administering Power;

11. *Calls upon* the administering Power to participate in and cooperate fully with the work of the Special Committee in order to implement the provisions of Article 73 *e* of the Charter and the Declaration and in order to advise the Committee on the implementation of the provisions under Article 73 *b* of the Charter on efforts to promote self-government in Guam, and encourages the administering Power to facilitate visiting and special missions to the Territory;

[9] Resolution 217 A (III).

12. *Also calls upon* the administering Power to facilitate a visiting mission to the Territory, and requests the Chair of the Special Committee to take all the steps necessary to that end;

13. *Reaffirms* the responsibility of the administering Power under the Charter to promote the economic and social development and to preserve the cultural identity of the Territory, and requests the administering Power to take steps to enlist and make effective use of all possible assistance, on both a bilateral and a multilateral basis, in the strengthening of the economy of the Territory;

14. *Takes into account* the 2030 Agenda for Sustainable Development,[10] including the Sustainable Development Goals, stresses the importance of fostering the economic and social sustainable development of the Territory by promoting sustained, inclusive and equitable economic growth, creating greater opportunities for all, reducing inequalities, raising basic standards of living, fostering equitable social development and inclusion and promoting the integrated and sustainable management of natural resources and ecosystems that supports, inter alia, economic, social and human development, while facilitating ecosystem conservation, regeneration, restoration and resilience in the face of new and emerging challenges, and strongly urges the administering Power to refrain from undertaking any kind of illicit, harmful and unproductive activities, including the use of the Territory as an international financial centre, that are not aligned with the interests of the people of the Territory;

15. *Requests* the Territory and the administering Power to take all measures necessary to protect and conserve the environment of the Territory against any degradation and the impact of militarization on the environment, and once again requests the specialized agencies concerned to monitor environmental conditions in the Territory and to provide assistance to the Territory, consistent with their prevailing rules of procedure;

16. *Requests* the Secretary-General to continue to report on the environmental impact of the military activities of the administering Power in the Territory, as relevant information becomes available;

17. *Requests* the Special Committee to continue to examine the question of Guam and to report thereon to the General Assembly at its seventy-fourth session and on the implementation of the present resolution.

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[10] Resolution 70/1.